

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADG, LLC, a Michigan limited liability company,
d/b/a Great Expressions Dental Centers,

Plaintiff,

v.

Case No. 10-10813

Great Expressions Dental Center, P.C. an,
Alabama corporation, and Tracie Battle,

Honorable Sean F. Cox

Defendants.

ORDER DENYING
MOTION FOR DEFAULT JUDGMENT WITHOUT PREJUDICE

This matter is currently before the Court on Plaintiff's request for a default judgment against Defendants. The Court does not believe that oral argument would aid the decisional process and will therefore dispense with oral argument. *See* Local Rule 7.1(e)(2), U.S. District Court, Eastern District of Michigan. For the reasons set forth below, the Court shall **DENY WITHOUT PREJUDICE** Plaintiff's motion for a default judgment.

On February 26, 2010, Plaintiff filed this action against Defendants. On April 15, 2010, Plaintiff filed the instant motion seeking entry of a default judgment against Defendants. (Docket Entry No. 7).

"An entry of default and an entry of default judgment are two separate events or steps. The first step is the entry of default when it is shown, by affidavit or otherwise, that a defending party on a claim has failed to plead or otherwise defend. The second step is the entry of default judgment." 46 Am. Jur. 2d *Judgments* § 233. The custom and practice in this Court is that a clerk's entry of a default is a prerequisite to obtaining a default judgment from the district court.

See e.g., Dahill Management, LLC v. Moore, 2009 WL 1664559 (E.D. Mich. 2009) (Wherein Chief Judge Gerald Rosen explained that “[t]his Court requires that the Plaintiff first obtain a clerk’s entry of default” before seeking a default judgment from the district court.).

The docket reflects that Plaintiff has neither sought nor obtained a clerk’s entry of default as to either Defendant. Accordingly, the Court DENIES WITHOUT PREJUDICE Plaintiff’s Motion for Default Judgment.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: April 21, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 21, 2010, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager